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NEW YORK NY 10112

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NOV 29 2006

OFFICE OF PETITIONS

In re Patent No. 7,106,452 :
Ouchi : LETTER REGARDING
Issue Date: September 12, 2006: PATENT TERM ADJUSTMENT
Application No. 09/934,713 :
Filed: August 23, 2001 :
Atty Docket No. 35.G2873 :

This is in response to the "COMMENTS ON DETERMINATION OF PATENT TERM ADJUSTMENT," filed November 1, 2006. Patentee requests review of the Patent Term Adjustment (PTA) determined for the above-identified patent.

The request is **DISMISSED**.

Patentee is given **TWO (2) MONTHS** to respond to this decision. No extensions of time will be granted under § 1.136(a).

Patentee is advised that § 1.705(d) provides the avenue before the Office for requesting reconsideration of the revised patent term adjustment indicated in the patent. See § 1.702-1.705. Moreover, pursuant to § 1.705(b), this section requires payment of:

(1) The fee set forth in § 1.18(e) ...

The instant paper was timely filed within two months of the issuance of the patent. However, neither the fee under § 1.18(e) nor a general authorization to charge any required fees, accompanied the request. Rather, petitioner states that "Should it be deemed that Patentee is entitled to the PTA that is greater than that noted on the cover page of the patent, if permitted under 37 C.F.R. § 1.705(d), the Commissioner is authorized to charge the fee required for increasing the PTA to

Deposit Account No. 06-1205." As payment of the fee is a prerequisite to consideration of the request for reconsideration of patent term adjustment, this authorization is insufficient. It does not freely authorize payment prior to consideration. Accordingly, the request is dismissed for failure to comply with the requirement of paragraph (b)(1) to submit the fee under § 1.18(e).

It is further noted that the request for review does not include a statement of the facts involved. (Nor does patentee indicate that the instant paper is being filed pursuant to their duty of candor and good faith to the Office).

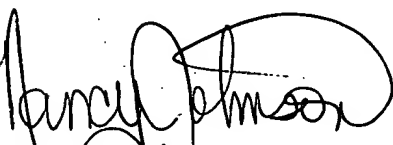
Further correspondence with respect to this decision should be addressed as follows:

By mail: Mail Stop Petition
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

By fax: (571) 273-8300
 ATTN: Office of Petitions

By hand: Customer Service Window
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3219.



Nancy Johnson
Senior Petitions Attorney
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